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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,012	06/07/2006	Katsuhiko Tachikawa	0670-7076	9271
31780	7590	05/13/2008		
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			EXAMINER CHAKOUR, ISSAM	
			ART UNIT 4163	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,012	TACHIKAWA, KATSUHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	ISSAM CHAKOUR	4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/07/2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3/1 are rejected under 35 U.S.C. 102 (b) as being anticipated by Grube et al (US 5,239,678).

3. Regarding claims 1 and 3/1, Grube et al teach a control method for a trunking system performing exchange between a wireless unit and the other communication party by means of control signal communication with the wireless unit by use of a control channel, and thereby allowing communication signal communication using a selected telephone communication channel between the wireless unit and the other communication party, the control method comprising the steps of:

when all the telephone communication channels are busy when a new request for the telephone communication channel comes from the wireless unit, performing a telephone communication channel making processing for using the control channel as a telephone communication channel; and

when any of the busy telephone communication channels is released when the control channel is used as a telephone communication channel, performing a control channel

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shifting processing for setting the released telephone communication Channel as a new control channel (see abstract), and by using all channels, notifying a plurality of the wireless units that the released telephone communication channel currently acts as a new control channel. Grube further teaches a control method for a trunking system wherein when the control channel is used as a telephone communication channel, a control channel usage state notifying processing is performed which incorporates into a telephone communication signal transmitted/received by use of the control channel, information indicating the availability of the telephone communication channel currently used as the control channel, and performs transmission (See paragraph bridging columns 3-4).

4. Claims 2 and 2/3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayata (US 6,240,298)

5. Hayata teaches with respect to claims 2 and 2/3, a control method for a trunking system performing exchange between a wireless unit and the other communication party by means of control signal communication with the wireless unit by use of a control channel, and thereby allowing communication signal communication using a selected telephone communication channel between the wireless unit and the other communication party, the control method comprising the steps of:

when all the telephone communication channels are busy when a new request for the telephone communication channel comes from the wireless unit, performing a telephone communication channel making processing for using the control channel as a telephone communication channel; and

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when any of the busy telephone communication channels is released when the control channel is used as a telephone communication channel, performing a control channel shifting processing for causing communication performing transmission/reception to/from the wireless unit by use of the control channel to be shifted to the released telephone communication channel, and releasing the control channel so as to be able to be used for transmission and reception of the control signal (see Abstract, claim 1, and claim 2). Furthermore, Hayata teaches further teaches a control method for a trunking system wherein when the control channel is used as a telephone communication channel, a control channel usage state notifying processing is performed which incorporates into a telephone communication signal transmitted/received by use of the control channel, information indicating the availability of the telephone communication channel currently used as the control channel, and performs transmission (Claim 1, and claim 2 in Hayata).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson (US 6,023,460) teaches a method for reusing the control channel as a communication channel and for controlling its switching back to a control channel in the event of the release of a communication channel when all communication channels are used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is

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(571)270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/  
Supervisory Patent Examiner, Art Unit 4163